



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY
DOCKET NO. 06-0021

IN THE MATTER OF WILLIAM SULLIVAN

DISPOSITION AGREEMENT

This Disposition Agreement is entered into between the State Ethics Commission and William Sullivan pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, § 4(j).

On May 11, 2006, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Sullivan. The Commission has concluded its inquiry and, on September 13, 2006, found reasonable cause to believe that Sullivan violated G.L. c. 268A.

The Commission and Sullivan now agree to the following findings of fact and conclusions of law:

Findings of Fact

1. William Sullivan is a residential designer. From July 2004 until June 2006, Sullivan served as an appointed full member of the Oak Bluffs Zoning Board of Appeals ("ZBA").
2. During his tenure on the ZBA, Sullivan submitted to the ZBA design plans for six of his clients seeking special permits. On these projects, Sullivan personally represented the clients before the ZBA. Sullivan's participation as his clients' representative in these hearings varied; in some cases his role was limited to answering questions and on other occasions he gave presentations on his plan designs and advocated the granting of special permits. Sullivan received approximately \$600 compensation from clients for his private time for presenting these plans to the ZBA for clients concerning their special permit applications.

Conclusions of Law

3. Section 17(a) of G.L. c. 268A prohibits a municipal employee, otherwise than as provided by law for the proper discharge of official duties, from directly or indirectly receiving or requesting compensation from anyone other than the municipality in relation to a particular matter¹ in which the municipality is a party or has a direct and substantial interest.

4. Section 17(c) of G.L. c. 268A prohibits a municipal employee, otherwise than in the proper discharge of official duties, from acting as agent for anyone other than the municipality in connection with a particular matter in which the town is a party or has a direct and substantial interest.

5. As a ZBA member, Sullivan was a municipal employee as that term is defined in G.L. c. 268A, § 1(g), and as such subject to the conflict-of-interest law.

6. The ZBA decisions whether to grant special permits were particular matters.

7. The town was a party and had a direct and substantial interest in such ZBA decisions.

8. By submitting and/or presenting his clients' design plans before the ZBA, Sullivan acted as their agent. Sullivan's actions in so doing were in connection with the ZBA decisions regarding special permits concerning his clients' projects and were not within the proper discharge of official duties as a ZBA member.

9. Sullivan received approximately \$600 compensation from his client for presenting these plans to the ZBA in relation to the ZBA's special permit decisions regarding his clients' projects. Sullivan was not authorized by law to receive such compensation in relation to these ZBA particular matters.

10. Thus, Sullivan received compensation from and acted as agent for parties other than the town in relation to the ZBA's special permit decisions concerning his clients' projects, particular matters in which the town was a party. By so doing, Sullivan repeatedly violated § 17(a) and (c).

Resolution

In view of the foregoing violation of G.L. c. 268A by Sullivan, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Sullivan:

- (1) that Sullivan pay to the Commission the sum of \$3,000.00 as a civil penalty for repeatedly violating G.L. c. 268A, §§ 17(a) and (c);
- (2) that Sullivan pay to the Commission the sum of \$600 as a civil forfeiture of the compensation that he received for representing clients before the ZBA; and
- (3) that he waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or

judicial proceedings to which the Commission is or may be a party.

DATE: November 20, 2006

¹ "Particular matter," any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, § 1(k).